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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

19-CR-732 (KMW)

ORDER

VICTOR DELGADO,

Defendant.

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KIMBA M. WOOD, United States District Judge:

On July 6, 2020, the Court received two letters from Defendant Victor Delgado. Both letters were dated March 24, 2020, and both were apparently written without the assistance of defense counsel. (ECF No. 29.) In one letter, Defendant requests that the Warden of the Metropolitan Detention Center in Brooklyn, New York (“MDC”) grant Defendant compassionate release, based on the risk Defendant faces from the COVID-19 pandemic. (*Id.* at 5.) In the other letter, Defendant requests that this Court grant him compassionate release for the same reason. (*Id.* at 1.)

Pursuant to 18 U.S.C. § 3582(c)(1)(A), a district court may modify a term of imprisonment it has already imposed upon a defendant if certain circumstances are present. Here, Defendant is detained at the MDC pending sentencing.¹ Because the Court has not imposed a term of imprisonment upon Defendant, the Court cannot grant him compassionate release. Therefore, Defendant’s motion is DENIED.

Attorney Daniel McGuinness was appointed on May 11, 2020 as CJA counsel in this

¹ Defendant has requested that the Court not rule on his pending application for bail pending sentencing until Defendant and his counsel resolve an issue relating to Defendant’s proposed place of residence. (ECF Nos. 24–25.)

matter. (ECF No. 26.) Mr. McGuinness is hereby directed to confer with Defendant regarding any bail motion to be made by Defendant, and to report back to this Court in writing by July 28, 2020.

SO ORDERED.

Dated: New York, New York
July 8, 2020

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge